

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

DISTRICT OF NEW JERSEY

DUANNE WINLEY-DUNK, on her own  
behalf, and on behalf of those similarly  
situated,

Plaintiffs,

v.

HEALTHPLUS SURGERY CENTER, LLC,

Defendant.

Civil Action No.: 2:19-cv-05906-WJM-MF

*Document Electronically Filed*

**AFFIDAVIT OF MERIT**

STATE OF NEW YORK                     )  
  )S.S.:  
COUNTY OF Nassau                     )

Alexander E. Weingarten, M.D., of full age, being duly sworn according to law, upon his oath, deposes and says:

1. I am a duly licensed physician in the State of New York. My specialties are Anesthesiology and Pain Medicine. I hold Board Certifications in each specialty along with Board Certifications in Sub-Specialties as noted in my Curriculum Vitae. I have been engaged full time in the practice of these specialties for over 20 years. I have also participated as Director of Pain Management at a surgical center located in Mineola, New York.

2. I am a member of the following medical professional organizations: New York State Pain Society, American Academy of Pain Management, American Academy of Pain Medicine, American Medical Association, American Society of Interventional Pain Management Physicians, American Society of Anesthesiologists, International Anesthesia Research Society, New York State Society of Anesthesiologists, New York State Medical Society, Regional Anesthesia Society, Society of Office Based Anesthesia, Society of Ambulatory Anesthesia. Over the years I have had a number of academic and teaching appointments.

3. I have no financial interest in the outcome of the negligence litigation captioned above.

4. I have reviewed the NEW JERSEY DEPARTMENT OF HEALTH STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION with the date of survey completion of September 7, 2018. I have also reviewed the notification letter sent by HealthPlus Surgery Center, LLC to individuals who were patients at that facility over a particular period of time as noted.

5. As a result of my review, I am of the opinion that there is a reasonable cause to believe HEALTHPLUS SURGERY CENTER, LLC, through its agents, servants and/or employees, and, perhaps other health care providers and medical professional that are presently unknown to me, deviated from accepted standards of care for ambulatory surgery centers and proximately caused harm to its patients including certain named plaintiff, DUANNE WINLEY-DUNK, as well as other individuals similarly situated through the exposure of blood borne pathogens with potential of causing serious illness, organ damage and even death, as well as exposure to unhygienic conditions that carried the potential of causing serious bacterial induced illnesses which exposure to patients existed for a dangerously long period of time covering 2017 through September 2018 when the facility was closed by Order of the State of New Jersey Department of Health.

6. I am prepared to testify in a court of law in support of my Affidavit regarding the above described matter if required.

Dated:

5/20/19  
(5/20/19)

 mp

Alexander E. Weingarten, M.D.

STATE OF NEW YORK

COUNTY OF Nassau

)  
)S.S.:  
)

I certify that on May 1, 2019, Alexander Weingarten, M.D., personally came before me and acknowledged under oath, to my satisfaction, that he is named in and personally signed this document, and signed, sealed and delivered this document as his act and deed. Further, Alexander E. Weingarten, M.D., attests, under oath, to the truth of the statements set forth above in this Affidavit.

Dated: May 1, 2019

Patricia A. Demasi  
Notary Public

PATRICIA A TANSI DEMASI  
NOTARY PUBLIC STATE OF NEW YORK  
NASSAU COUNTY  
LIC. # 01DE4613164  
COMM. EXP. Nov 30, 2021